G. R. S. IX-5]

Previous references.

Cb 266-16 (1-4)
cb 199-14 (1-4)

Later references.

CB 204-22-1203
CB 204-22-4609(Confdl)

1/Reserve
1917.18
(Courts)

File No. 36-17

Serial Nos. 1—6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1— 6

Part B for December 17

SUBJECT.

Competitive Examination for the Selection of Munsiffs.

6) To, The Registrar chief Court
No J 2209 Dt 21-12-17
Sanctions the exemption of Certain Officers from sitting for the Competitive examination.

W D 88—GPB—50,000—24-7-16

KMasanasunda
4/1/18

G. R. S. 11] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Cants.)

NOTES.

File No. 36-17

FILE HEADING.

Competitive Examinations for the selection of Munsifs.

From

The Registrar, Chief Court.

No. R.O.S.C. 420-16 Dated 26/30.7.17 Received 1.8.17

Diary No. J-263	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Explains the difficulties which appear to the judges to lie in the way of giving satisfactory effect to G.O. no. J-3857 cf 266-16-2 dt 7.5.1917 and suggests the adoption of a uniform method of selection for both acting and permanent vacancies.

NOTES AND ORDERS.

Submitted with references. The proposals of the Chief Court are summarised in paragraphs 9 to 11 of the Registrar's letter. Please see in this connection the opinion of the Fin' Secy recorded on page 7 of the office notes in cts 266-17, and the observations of the Gen' Secy thereon.

x under J-3857 cf 36-17-1 M

NOTES—First Sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Ct File No. 36 of 1917.

Serial No.

F

2. It seems doubtful whether the mode of selecting candidates for every fourth vacancy, suggested in para 9 of the Registrar's letter, is what is contemplated in para 8 of G.O. no. J.2643-cts 199-14-4 dt 25.1.17. It is not clear how 'failures in the examination' can be classed under persons having 'special grounds'.

Q

3. Attention is invited to the Dewan's order on the 'Tappal Abstract' dt 31.7.17 against item no. 7.

Asst 5/8 D/6

④ G dt 3851 cts 2216-16 dt 7.5.17.

4. The Chief Court point out certain difficulties in giving effect to the decision ⑧ of Government that no competitive examination should be held for permanent vacancies occurring in the cadre of Munsiffs, and recommend for the consideration of Government two alternative proposals for removing the inconveniences. The proposals are:-

1) There may be an examination for 3 appointments say next January, the candidates being notified that they will be nominated by the Chief Court in order of success to the first available vacancy should their conduct and health remain satisfactory.

2) An examination may be held only

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 36 of 1917.

Serial No.

Successful candidate may be attached to some office and made to do main ministerial work.

5. As between the two proposals, we seem to prefer the former to the latter.

The inconveniences in the existing system are :-

a. The acting man will have no incentive to turn out good work unless he has hopes of confirmation.

b. Permanent vacancies occur unexpectedly, and the necessary notice of 3 months for holding an examination cannot always be given.

c. Confusion and trouble will be caused if a series of vacancies occur in continuous succession.

6. As regards the first objection, it may be urged on the other hand, that men who are likely to compete may very much wish for ~~such advancement~~ an acting vacancy in order to have a training in practical work. The Chief Court themselves suggest in para 13 of the letter under disposal that short acting vacancies may be filled up by the deputation of duly qualified ministerial officers of the Chief Court or the Courts. They also ~~point~~ admit the difficulties in the second officer proposal

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 36 of 1917.

Serial No.

Flag M.

We will involve additional expenditure and there may not be sufficient work to make the passed candidates. The first proposal is feasible, but attention is invited to the note in para 19 of File No 266 of 1916-17.

7. The question raised in this case may perhaps be settled as soon as the orders of Govt are passed on the subject of Separation of Judicial and Executive Functions. If the appointment to the Cadre of new Magistrates has to be made either entirely or partly from the Judicial Dept, there will be likely to be a need for some officers, and the proposed examination may be ordered to be held in January.

8) Submitted for orders.

EB
18/8

Secy)

9) None of the arguments adduced has much force. They apply with equal force, for instance, to the Civil Service & the acting appts made under it. The orders already passed are based on precedent & experience and do not seem to require any change until at least they have been given a trial for some time.

Dy Secy to Govt
30/8

First member)

10) Agree with the last sentence of the CR-U. I am inclined to agree with the

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 36 of 1917-18.

Serial No.

Views expressed herein.

11) No matter may be re-considered at a meeting of Government, unless the Member who voted in the majority on the original question, or some other Member who was present at the meeting when the question was decided, gives notice of his intention to move the re-consideration at a subsequent meeting, and such notice is given within one month of the date on which the question was decided, or such longer period as the Governor in Council may allow.

8164/31.8

31/8

Dewan 31/8

Dewan 31/8

1298/1.9.17

12.9.17

13 C.S.

17/9/17

NOTE—Contn. sheet.

(For Disposal at a Meeting)

No. C. 164

14/9/1917.

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause viii of the Schedule)

141

Proposals for the holding of a competitive examination for recruitment to the grade of Munsiffs.

157

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram

14th September 1917.

Secretary to Government.

16

Extraordinary Member of Council.

First Member of Council. Opinion recorded.

Second Member of Council.

15-9-17

WD 2670—GPB—1,000—11-5-17

Extract from the Proceedings of the [illegible] Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 27th September 1917

9. Subject.-Outside the Schedule.

Question of holding a competitive examination for recruitment to the grade of munsiffs.

OPINION OF THE COUNCIL.

13/ As proposed by the Chief Court, there may be an examination for three appointments in April 1918, the successful candidates being appointed to vacancies as they occur. After these are absorbed, a fresh examination may be held at reasonable intervals, at least six months' previous notice of the examination being given.

Sd. K. Visvesvaraya,

Dewan of Mysore.

"EXTRACT"

C S Balasundaram

Secretary to Government,
General Department.

WD—156—GPB—1,000—19-7-16.

163

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | CS File No. 36 of 1917.

Serial No.

19) To the Assistant Secretary, Branch III, for kindly submitting the file to the First Member of Council with a draft Final Note.

CS 4/10/17

20) Sued with D 7 N & D 8 N.

AM 2/10

21) In favour of approval.

GS 3/10

First Member

22) CS 3/10

23) Fair Final Note signed by the first member is put up

1386 3.10.17

Pros 3/10/17 24) D&N as proposed

Dewan

1984 4/10/17

CS 4/10/17

GS/60

NOTE—Contn. sheet.

Final Note by the First Member of Council.

---

(25) **Subject:—** Question of holding a competitive examination in January 1918 for the selection of Munsiffs.

---

(26) In January 1917, the Chief Court proposed that a competitive examination for the selection of Munsiffs might be held in September 1917, under the scheme sanctioned in G.O.No. J2643-Cts. 199-14-4 dated 25.1.17; but as it was found that there were no permanent vacancies to be filled up, Government ordered in No. J3851-Cts.266-16-4 dated 7.5.17 that no examination need be held until permanent vacancies occurred and that acting vacancies might, as theretofore, be filled up and temporary appointments made from the list of elgible candidates maintained in the Chief Court.

(27) 2. The Chief Court have in their present communication, pointed out certain difficulties in giving effect to the above decision of Government and recommended for consideration two alternative proposals for removing the said difficulties. The proposals are:-

(1) There may be an examination for three appointments, say, next January, the candidates being notified that they will be nominated by the Chief Court in order of success to vacancies as they occur, should their conduct and health remain satisfactory; or

(2) An examination may be held as suggested and the successful candidates attached to some office and made to do magisterial or other work.

(28) 3. The matter was considered at a meeting of the council, who are of opinion that, as proposed by the Chief Court, there may be an examination for three appointments in April 1918, the

the successful candidates being appointed to vacancies as they occur and that after these are absorbed, a fresh examination may be held at reasonable intervals, at least six months' previous notice of the examination being given.

4. The opinion of the Council may be graciously approved.

3rd Oct 1917

Submitted to His Highness.

(30)

I submit herewith a Final Note by the First *Member of Council on the subject of* holding a competitive examination in January 1918 for the selection of Munsiffs,

for His Highness' gracious approval.

M. Krishnaswamy

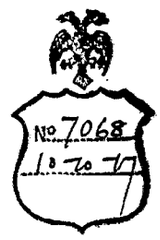
Dewan.

10th Oct 1917.

Record of Cases submitted for the Orders of His Highness the Maharaja.

(31)

Subject.



Proposal to hold a competitive examination in January 1918 for the - selection of Munsiffs.

459.
With 00 No 105 dated 16.10.17.

(32)

Order.

~~KRW~~
15/10/17

263

R. S. 12]

General and Revenue Secretariat. | File No. 36 of 1917.

D. O. No. 7689.

Do No 105
Encl one file

HUZUR SECRETARY MYSORE

The Palace, Mysore,
16th October 1917.

(33) My dear Sir,

In returning herewith, with thanks, the file of papers received with your Submission Note No.7068 dated the 10th Instant, I am directed to say that His Highness approves of a competitive examination being held in April next for the selection of Munsiffs subject to the condition that, as already provided in Paragraph 8 of Government Order No.J 2643/Cts. 199-14-4 dated 25th January 1917, one appointment in every four should be made by nomination on special grounds.

Yours Sincerely
Mirza M. Ismail

Sir M. Vievesvaraya, K.C.I.E.,
Dewan of Mysore,
Mysore.

Circulate
17.10.17
Secretary to Govt.
Please put up draft
since orders approved
by His Highness.

(34) Draft G.O. Sulled
MR 22/10

(35) In favour of Appeal

His Memory

(36) Draft approved by His Highness

(37) Issue

24/10/17

7594 24.10.17
NOTE—Contn. sheet.

148
2.11.17.

GPB—65,000—17-6-12.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 36 of 1917.

Serial No.

2 To the Registrar, Chief Court
" Comptroller
no. J 1466-7 dy 27.10.17
Sanctions the holding of a Competitive Exam^n for three appointments in April 1918. &c

3 From the Registrar, Chief Court
no Rose 420/1617 dy 8/11/17
Forwards a copy of the draft notification (to be published in the Gazette) & solicits orders on certain points raised, before the publication of the notification

38 The points for orders are contained in paras 2 to 7 of the Registrar's letter.

39 The draft notification is modelled on that of the Mysore Civil Service Exam^n, a copy of which is put up for reference. But no provisional medical certificate is prescribed, as in the case of the latter.

7
G 1057 3.G.M 326-16-3 dy 3.2.17

40 In clauses 6 & 8 of the notification approval of the Chief Court is mentioned, while para 4 of the G.O of 25.1.17 clearly says that the candidates should be approved by Govt.

F 2645 ct 1991-14-4 dy 25-1-17

41. Regarding the appointment of a Medical Board G.M 326-16-12 relating to the Rest Board for the Civil Service Candidates is

9

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 36 of 1917.

Serial No.

F J2643 Cb/1914-4 dt/25-1-17

post up. The medical Exam^n prescribed in the G.O of 25.1.17 is with special reference to the physical fitness of the candidate for the Judicial Service.

Some pencil alterations are suggested in the draft reply.

Submitted for orders.

ASR 12/II

VCL. 4/2 There are 5 points on which the Chief Cmsr requests orders of Govt.

F J2643 Cb/1914-4

(1) The G.O. of 25.1.1917 regarding the recruitment to this grade of Munsiffs by Competitive Exams does not provide for the case of a candidate who after enrolment as an Advocate or Pleader enters Govt Service. The Chief Cmsr recommends that if the total period of practice and Service comes to 5 years, the candidate may be admitted. The recommendation may be accepted, as otherwise much injustice will be done to a large number of officials who have joined Service after enrolment as practice for a few years.

43

(2) The Rules require that Munsiffs shall pass the Registration & Revenue Higher Exams. Under Rule 6 of the Exam Rules, no person who has not passed the Regn & Revenue Higher will be eligible for the appointment of Munsiff. Strictly interpreted, the Rule does not permit a person to be appointed acting Munsiff unless he has passed the two tests. This rule was to some extent

G 3881 Cb/266-16 dt 7.5.17

ND 1233—GPE—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 36 of 1917.

Serial No.

S

modified by the G.O. No. 1869-70 - C.S. 15812-69 dt 13-2-19 6-1-1913 under which a Munsiff appointed on Probation, while on branch qualified be confirmed as a Munsiff on the 5th day. This G.O. may be said to be not quite clear, and in practice, many were appointed to act as Munsiffs though they were not fully qualified under the Rules. But when the question came before the Council in September 1916, a resolution was passed that no one who is not fully qualified as required by the rules should be appointed in future. This was communicated to the Chief Court in Letter No. 1453 dt. File No 13-16 dt 28-10-16. The Chief Court now suggests that this rule may be modified, that the persons appointed may be allowed to pass the Exam during the Probationary period. The analogy of the Civil Service Rules supports this view. I therefore put forward a draft for orders wherein the recommendation may be approved.

T. Page 11 of C.S. 13-A (1-5)

9/1.

I think the recommendation may be approved. CSK 9/1

44. As regards the acting Munsiffs, the recommendation of the Chief Court has already been accepted as regards in the case of Mr. Nagabhushanam and also others (Mr. Abdul Rauf, Mr. Srinivasulu). The Chief Court have recently recommended that one S. Ramaswamy for Munsiff, should be exempted and confirmed. The first member has approved the recommendation. This file is now before the Hon'ble

The file in the subject is put up with the file of information of Mr. S.A.R. Iyer.

NOTE—Contn. sheet.

1056

ND 1233—GPB—60,000—1-12-16—S.

7

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 36 of 1917.

Serial No.

The only remaining case is that of Mr S. Venkatarangа Iyengar, and as he was appointed Dy Registrar after the new rules came into force, he is bound to pass the exam before he can be confirmed

45 Draft directing the constitution of Medical Board will be submitted separately.

46. The last point raised by the Chief Court is the fixing of Rs 50/- for appearing for the Exam. This point was not considered by Govt when they passed the order regarding the recruitment by Competitive Exam. The fee seems very high. It is a point for orders whether this proposal may be sanctioned.

EB
14/11

Chief Secretary

47. Please see marginal remarks and put up a draft for consideration.

ASC
14/11/17
EB 14/11/17

48

Draft G.O. Subd

D

49. Courts file 151-16, pgs 1-7, re the appointment of Mr Venkatarangа Iyengar as ag: Dy Registrar is obtained and put up as directed by the Asst Secy.

ASC 16/11

50 Attention is respectfully invited to the Govt

NOTE—Contn. sheet.

* The file is put up with Mr S.V.R. case. The exemption may be extended to him also MK

Same fee may be fixed at Rs 50 as in High Court as may be fixed. MK

1056

WD 1233—GPB—60,000—1-12-16—S.

18

G. R. S. III-2]

General and Revenue Secretariat. | 05 File No. 86 of 1917.

Serial No.

Q

Member's note in para 50 in case file 151 of 1916-17.

CS 16/4

Chief Secretary)

51 A draft order is put up for approval or other orders.

52 Para 4 of the Jo. will extend the exemption from the ~~extra~~ examination to Venkataramaya Iyengar - he will be the only person who will be affected by a decision either way.

1st member)

CSS 16/4/17 CS 16/4

1831/17/11.

53) Agreed CCCC 17/11/17 CS

Dewan)

2647/19.11.17.

54 Draft approved by the Dewan 24.11.17

CSS 17/11/17

55. Agreed CS 20/11/17

56 Done by 21/11

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 36 of 1917.

Serial No.	
4	To the Registrar, Chief Court " Comptroller & Govt no. J1789-90 dy 29.11.17 Passes orders on the several points raised in the Registrar's letter and calls for a list of the candidates along with their applications before 5.2.1918 and also a list of the names of persons to be exempted from sitting for the Exam^n
5	From The Registrar, Chief Court no. R.O.C 548 dy 5.12.17 1917-18 Forwards for approval a list of the following officers who may be exempted from sitting for the Exam^n ;— M^r. S.R. Ramaswami Iyer .. (Munsiff. Srirangam) " T. Singaravelu Mud^r. .... (Acting Munsiff (on Probation)) " C.B. Nagabhushana Rao ... — do — " S. Venkataranga Iyengar .. (Ag. Dy Registrar) " S. Ramachandra Sastry (Ag. Munsiff) and states that M^r Ramachandra Sastry's name is included, as he is now acting as a Munsiff and as he has before acted in that capacity on several occasions.
57	Subd for orders, with reference to paras 44, 50 & 52 Supra
Asst 7/12	
58	The case of M^r S.R. Ramaswami Ir is before the Council, and the First Member has

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | ct File No. 36 of 1917.

Serial No. 1

approved after being exempted from ~~accompanying~~ the Exam^n. As Mr Singaravelu Mudaliyar and Mr Ethirajulu Naidu were acting as Munsiffs and as their nomination has been approved by Govt. ~~long~~ before the ~~new~~ date of new rules re competitive examination for Munsiffs, it is but just that they should also be exempted from passing the Exam^n. But they were ~~have~~ ~~been~~ expressly ordered to be on probation subject to confirmation at the end of 1 year. As regards Mr Ramachandra Dasiar, he has acted as Munsiff ~~for~~ on 7 occasions, ~~and~~ once for a period of 3 months, and last year for over 10 months continuously. He was also acting as Munsiff when the Rules were issued, and is now fully qualified for appointment as Munsiff. In view of the strong recommendation of the Chief Court from the beginning in his case, he may also, if approved, be exempted. Mr Venkataranga Iyengar is a 1st class LLB, and has been acting as Dt Registrar, Nilgiris (vide note in paras 44, 52 above. If approved, draft G.O. sanctioning the recommendations will be submitted.

59. But in this connection ~~I beg to~~ ~~submit that~~ it is necessary to decide whether in case the last two are granted exemption

The file is in the Council Section

NOTE—Contn. sheet.

ND 1233—GPB—60,000—1-12-16—S.

1283

G. R. S. III-2]

General and Revenue Secretariat. | dt File No. 36 of 1917.

Serial No.

they should be preferred to the candidates who pass the competitive examination. There are now only 2 existing vacancies, and are permanent and are temporary. Mr Ramaswami Ayr has been recommended by the Chief Court for the permanent vacancy. The Judicial Probationers and Mr Nagabhushanam have to be found 2 places, and if the two officers (Mr Ramachandra Sastry and Mr Venkata ranga Rayar) have also to be given preference, the successful candidates have to wait for permanent vacancies for some 3 years.

EB
8/12

(to Chief Secretary) The list may be recorded after approval. The exam: may be held as already ordered & the men who pass will take their turn of appointments & will not be worse off than without the exam:. In the meanwhile if the Scheme of separation of Judl & Exve functions is given effect to those men may be easily absorbed.

1st member

2159
13.12.

Sd
10/12/17

Sd. J Ayyar
12/12/17

Sd
13/12/17

NOTE—Contn. sheet.

1283

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | GS File No. 36 of 1917.

Serial No.

63) Submitted with a draft
15.12.17

64) In favour of approval.
15/12

Chief Secretary
Dewan

3162
17/12/17

65) 17/12/17

66) Draft approved by Dewan
18.12.17

67) Issue
18/12/17

6 To The Registrar ~~the~~ Court
No D 2209 21st Dec 1917
Sanction the exemption of certain
officers from sitting ~~from the~~ for the
~~competetive~~ competetive examination

NOTE—Contn. sheet.

R.O.S.C.No: 420/1916-17.

Chief Court of Mysore, 36-17

Bangalore, dated the 26th July 1917.

From

N.T.Gopaliengar, Esq., B.A., LL. B.,

Registrar of the Chief Court of Mysore.

To

D.M.Narasinga Rao, Esq., B.A., B.L.,

Secretary to the Government of Mysore,

General Department.

GEN. & REV. SECRETARIAT
III
JUDICIAL
1- AUG 1917

S i r ,

Adverting to correspondence ending with Government Order No.J.3851/Cts.266-16-2 dated the 7th May 1917 directing that no competitive examination need be held until permanent vacancies occur in the cadre of Munsiffs and that acting vacancies may, however, be filled up and temporary appointments of Munsiffs made as heretofore from the list of eligible candidates now maintained by this Court, I am directed to lay before the Government some difficulties which appear to the Judges to lie in the way of giving satisfactory effect to the order.

2. It seems desirable that a man appointed to fill an acting appointment should have some reason to expect that he will be selected for a permanent vacancy should his temporary service be satisfactory; if the occupant of a temporary vacancy knows that however satisfactory his work may be his prospects of securing a permanent appointment are in no way improved thereby, he will have less incentive to do his utmost to turn out satisfactory work, and the result may be that the best men at any rate among those who are not already

servants

servants of the Government will be deterred from accepting appointments which are not permanent, and which may lead to nothing; it seems better that if we are to make appointments by the results of a competitive examination the system should be applied uniformly to all appointments.

3. There are no doubt difficulties because in the case of temporary appointments there is no guarantee of continued employment, and it may seem hard to ask men to appear for a competitive examination with the possibility that their success in the examination may go unrewarded.

4. In the case of other services as for instance the Indian Civil Service every man who is successful in the examination is assured of a permanent appointment in the service, provided that he can pass subsequent qualifying examinations, but in that service there is scope for the employment of junior officers on general duties even where there is no particular vacancy. They are attached as Assistants to the Collector or the Deputy Commissioner of a district until a vacancy occurs elsewhere. In our judicial service there is at present no very satisfactory form of employment which can be given to successful candidates just after their examination.

5. This difficulty no doubt would be avoided by holding an examination only when a vacancy occurs: we should have no men waiting for employment. But permanent vacancies occur unexpectedly more often than not. Death and misconduct cannot be foreseen in many cases and the Government does not, and doubtless cannot always give previous notice of its intention to take a Munsiff into another department. If then we have to give at least three months notice of each examination, we may have to keep vacancies unfilled for an unduly long period for it will not be easy to get a good acting man who may be turned out by the result of the examination: the good men would

n 21

would probably prefer to be preparing for their examination.

6 It will therefore be difficult to give 3 months notice of each examination as required by the G.O.No.J.2643/Cts.199-14-4 dated 25-1-17 and it will be equally difficult to hold an examination ordinarily once in two years: in fact that can hardly be done if no one is to be kept waiting for his appointment. In these circumstances it is not easy to see how the Government Orders of the 25th of January and the 7th of May can stand together.

F

F 1 & G 2

DJ 2643 Cts 199-14-4 dt 25-1-17

2) J 3857 Cts 266-16-2.

7 According to the latter when a permanent vacancy occurs an examination will have to be notified for a single vacancy: perhaps before the examination is held there may be another vacancy then a second examination must be notified, causing confusion and trouble to candidates and the Chief Court alike. According to the former there will be a periodical examination to meet anticipated vacancies, but this involves a waiting list and if there is a waiting list it seems better to have it for all vacancies temporary and permanent than to have different methods of selection.

8 Another point is that in the majority of cases a vacancy is temporary: more men take leave than retire or die or obtain promotion, but ordinarily leave for short periods: in the case of such vacancies the present practice will have to continue: the new system which it is presumed is expected to be an improvement on the old, will be applied only in a minority of the cases, the old and ex hypothesi inferior system will apply to the majority with the added disadvantage that all the persons appointed will know that they cannot obtain a permanent footing in the department except through the examination and so are not likely to do their best possible work: they will prefer to cram for examination rather

than

than devote themselves to the weary task of trying carefully and conscientiously petty cases of no interest to any one but the parties and of little or no educative value even in matters of practice and the weighing of evidence. It seems preferable on the whole even at the cost of a waiting list to have a uniform method of selection.

9. This may be done it is suggested in one of two ways: there may be an examination say next January for three appointments candidates being notified that they will be nominated by the Chief Court in order of success to the first available vacancy should their conduct and health remain satisfactory till that event happens. The fourth vacancy would be filled by the nomination of a selected candidate either from among the failures in the examination or elsewhere, in order to give effect to the order of Government that one fourth of the appointments should be filled by selection. When these candidates are all absorbed in the service another examination would be notified; and this might ordinarily be once in two years or perhaps a little oftener.

Para 8 of G.O no J 2643 - 65 199-144 dy 25-1 1917 F.

10. But if it is deemed undesirable to have a waiting list of unemployed nominees, the successful candidates must be attached to some office while waiting and will have to receive a salary.

11. They will be in effect judicial probationers and it is not easy to find work for judicial probabtioners any more than it is easy always to find work for Assistant Collectors for whom there is no divisional charge available. They might however be attached to the District Magistrates at the head quarters of each Sessions Divisions, one at Mysore, one at Bangalore and one at Shimoga. They could be given third or second class powers and try cases referred to them by the District Magistrate

in relief of other Magistrates. It is easier to find work of this sort than civil judicial work which involves a larger establishment and a regular court house, and is not so easy to close down at short notices. They could at the same time under the guidance of the District Judge familiarize themselves with the registers and administrative work of the Civil Courts in head quarters, and learn civil practice by attending civil trials. But most of them it is to be hoped will be men already trained by the practice of their profession.

12 Either of these schemes seems preferable to an arrangement by which there would be practically two services, one acting and one permanent, recruited in different ways.

13 It seems probable that an examination for three vacancies would ordinarily suffice for two years. The fourth vacancy would as observed above be filled by selection, and if necessary short acting vacancies could be filled by the deputation of a duly qualified ministerial officer of the Chief Court or some other court or office; such officer would have no claim to a permanent vacancy or to retain an acting vacancy as against an available officer in the list of selected or passed candidates. By requiring Judges so far as possible to take what leave they require at times convenient to the department, such vacancies would be few and would occur only in really emergent cases.

14 The second of the suggested schemes is open to the objection that it involves unnecessary expenditure, for most if not all of the passed candidates will be persons who have, before passing, had sufficient training to qualify them for immediate entry on judicial duties.

15 The other is not open to that objection; passed candidates will continue to practise their profession, or pursue their

H.H studies

studies, at their own expense until a vacancy occurs, and perhaps this is the better scheme of the two.

I have the honor to be,

S i r ,

Your most obedient servant,

R E G I S T R A R .

3 copies

G.R.S. VI-71]

SUBJECT Holding of an Examination for the Selection of Munsiffs in April 1918

Diary No. of letter replied to J 263

Section Cant5

File No. 36-17

Serial No. 2

General and Revenue Secretariat

(Cant5)

Proceedings of the Government of His Highness the Maharaja of Mysore.

, the 191 .

Date of issue 27-10-1917

Signed by Dr. S. Srinivasa Iyer

Read.—

G.O. no. J 3851 dy 7.5.17 cts 266-16-4

directing that no examination for recruitment to the grade of Munsiffs, under the Scheme sanctioned in G.O. no. J 2643 - cts 199-14-4 dy 25.1.17, need be held until the occurrence of permanent vacancies and that acting vacancies might continue to be filled up and temporary appointments made from the list of eligible candidates maintained in the Chief Court.

May this be

i Printed? F

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

The Asst Secy said that the Order Thereon ~~is~~ No.

AH

over.

2. Letter no. R.O.S.C 420/16-(1)
dt 30.7.17 from the Registrar, Chief
Court, pointing out certain difficulties in giving effect to the order
mentioned above, and recommending for
consideration two alternative pro-
posals as noted below for removing those difficulties:—

(i) To hold an examination for
the appointments, say in next January,
the candidates being notified that
they will be nominated by the
Chief Court in order of success
to vacancies as they occur,
should their conduct and health
remain satisfactory; or

(ii) To hold an examination as
suggested and attach the successful
candidates to some office for
doing ministerial or other work

List of enclosures.

Order No 1466-7

Copied by

Examined by

Govt are pleased to
direct that, as proposed by the

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Chief Court, there may be an examination for three appointments in April 1918, the successful candidates being appointed to vacancies as they occur, and that after these are absorbed a fresh examination may be held at reasonable intervals, at least Six months' previous notice of the examination being given.

2. The selection of Munsiffs as above will be subject to the condition already laid down in para 8 of the G.O of 25.1.17, viz, that one appointment in every four should be made by nomination on special grounds

24/10/17

Chief Secy to Govt

To The Registrar, Chief Court

" Comptroller to Govt

24/10/17

GPB—20,000—7-7-14

22/10/17

DIARY No. 1956

R...S.C. No.420/1916-17.

GEN. & REV. SECRETARIAT I.I JUDICIAL 9 NOV 1917

URGENT.

Chief Court of Mysore,
Bangalore, 7th November 1917.

From

N. T. Gopaliengar Esq., B.A., LL.B.,
Registrar of the
Chief Court of Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

In acknowledging the receipt of the Government Order No.J. 1466-7/Cts.36-17-2 dated the 27th October 1917 directing that the first competitive examination for the posts of Munsiffs proposed by this Court may be held in April 1918, I am directed to state that a notification will issue shortly inviting applications from duly qualified candidates by the 31st of January 1918. A copy of the draft notification is herewith forwarded for the information of the Government.

2. In the qualification fixed by the Government in paragraph 2 of their order No.J.2663/Cts.199-14-4 dated the 25th January 1917, the cases of persons who were Advocates or 1st grade pleaders and who after enrolment have entered the Government service and have completed a term partly at the bar and partly in service have not been taken into consideration. The Judges consider that such persons ought to be eligible to appear for the competitive examination if their practice and service together amounts to a period

of

of five years. Otherwise injustice will be done to those who have entered Government service with a view of training themselves for higher judicial office.

3. The rules are not clear as to whether a pass in the Registration and Revenue Higher examinations is a necessary qualification for the eligibility of candidates for the competitive examination, or whether it is the intention of the Government to allow the successful candidates who may be appointed as Munsiffs to pass the Revenue and Registration examinations during their probationary period, or after selection and before appointment. The Judges think that these examinations may well be passed even after appointment but before confirmation.

4. As for officers who are already acting as Munsiffs or in that cadre, I am to state again that the examination rules should not operate as a bar for the reasons assigned in the second paragraph of this office letter R.O.S.C. No.420 dated the 7/10th February 1917.

5. The medical board contemplated in para 4 of the Government Order No.J.2643/Cts.199-14-4 dated the 25th January 1917 may be appointed early so as to enable the members thereof to arrange to examine the candidates on the 1st of March 1918.

6. As in the case of Civil Service Examinations an application fee of Rs.50/- is also proposed to be fixed for this examination to defray to some extent the expenditure which the scheme may impose on the Government.

7. I am to request that the Government may be pleased to pass early orders on these points before a notification is issued to the Gazette.

I have the honor to be,
S i r,
Your most obedient servant,

N. Gopalaswami

REGISTRAR.

TSK.

N O T I F I C A T I O N.

A competative examination of approved candidates will be held in the Chief Court office on the 1st April 1918 and the following days for the selection of candidates for appointment as Munsiffs.

2. (i) Candidates must be graduates in Law who

(a) have taken their degrees in the first class or

(b) are at the date of their applications practising the profession of

1. an advocate or

2. a pleader of the first grade, or

(c) ~~3.~~ are in the employment of the Government in a post carrying a salary of not less than Rs. 50/- per mensem.

N O T E :- A candidate to be eligible under (b) 1. as an advocate must have practised as such for a period before his application of not less than four years, or must have practised partly as advocate and partly as 1st grade pleader for a period of not less than five years in all, and a candidate to be eligible under (b) 2. as a 1st grade pleader must have practised as such for a period amounting to not less than five years before his application.

A candidate to be eligible as a Government servant under (b) 3. must have held a post or posts carrying not less than Rs. 50/- a month for a period of not less than five years immediately before his application, or if before entering the Government service he was practising the profession of an advocate or 1st grade pleader, then for a total period

period of such practice and service amounting in all should amount to not less than five years.

(ii) They must be natives of Mysore by birth or domicile.

(iii) They must be aged below 30 years, or in the case of practitioners below 35 years provided they have begun to practise as advocates or first grade pleaders before attaining the age of 30 years.

and (iv) They must be respectable and of good character.

N O T E :- A person acquires a domicile in Mysore when he has voluntarily fixed the habitation of himself and his family therein, not for mere special or temporary purposes but with the present intention of making it his permanent home. A continued residence for five years shall be prima facie evidence of having acquired a domicile.

3. Applications for admission to the examination should be forwarded to the Registrar, Chief Court, Bangalore, so as to reach him on or before the 31st January 1918. Applications should be in the form appended, printed copies of which can be had from the office of the Registrar, Chief Court.

4. No candidate's name will be registered unless he has attached to his application a treasury receipt showing that he has paid Rs. 50/- into a treasury belonging to the Government of Mysore.

5. Every candidate should forward with his application the following certificates :-

(i) A certificate of birth.

This may be a certificate from a Registrar of Births, a baptismal certificate or a certificate from a Justice of the Peace or Magistrate who shall give it only after satisfying himself that the date of birth given is correct by means of the candidate's original horoscope.

N O T E. - In the case of candidates who are employed under Government, an extract from the service register showing the date of birth, the period of service on Rs. 50/- and above, certified by the Head of the Department that it is a true extract, may be produced in lieu of the certificate mentioned in clause (i) above.

(ii) A certificate of good moral character.

This certificate must be dated not earlier than 1st October 1917 and must be granted by a person of known respectability, not a relative, who has been intimately acquainted with the candidate for at least the three preceding years.

(iii) Evidence shewing the candidate is a native of Mysore by birth or domicile.

6. Such of the registered applicants as may be approved by the Chief Court will alone be admitted to the examination. The names of approved candidates will be published in the Mysore Gazette not later than 15th February 1918.

Copy for Offices' Guide See para 4 of the G.O. 9/15.117.

7.

7. Approved candidates whose names appear in the list published under the last preceding paragraph must appear before a medical board at Bangalore on the 1st March 1918 and at a place which will be fixed hereafter by the Chief Court and published in the Mysore Gazette and only such of them as are passed by the medical board will be allowed to proceed to the examination.

8. The fee paid by any candidate who may not be approved by the Chief Court, or who having been approved by the Chief Court may not be passed by the medical board, will be refunded.

Cost ? Passage for examinee boards

9. The examination shall comprise the following subjects:-

(1)	Drawing up of judgments on records furnished and reference books allowed.	100 marks
(2)	Recording depositions given in Kannada and English in actual cases.	100 marks
(3)	Evidence and pleadings	100 marks
(4)	Rules of Practice (Civil and Criminal) and preparation and examination of cash and other registers of courts.	100 marks
(5)	Criticism of cases actually decided or of decisions propounded by the examiners on hypothetical cases.	100 marks

9. The dates and hours of examination will be notified in the Gazette two weeks before the examination.

10. No candidate will be considered to have passed in the examination unless he obtains 50 per cent of the total number of marks and marks obtained in any one or more subjects shall be altogether left out when they are below 25 per cent.

11. Three persons will be selected in order of merit from the list of successful candidates and they will be nominated by the Chief Court in order of success to vacancies temporary or permanent as they occur, should their conduct and health remain satisfactory.

12. The Chief Court shall have the right to require a successful candidate to undergo a medical examination before appointment.

REGISTRAR.

35

FORM OF APPLICATION FOR PERMISSION TO APPEAR FOR THE COMPETITIVE EXAMINATION FOR THE POSTS OF MUNSIFFS.

Name in full of candidate.

Age and date of birth.

Place of birth.

Place of usual residence.

Name and occupation of father or other guardian.

Place of usual residence of father or guardian.

Race or caste of candidate.

Present position or occupation and address.

Date or dates of passing the B.L. and B.A. Degree Examination.

What other University Examinations the candidate has passed with dates of passing them.

Period for which the candidate has practised as an Advocate or First Grade Pleader, with date of enrolment.

Period for which the candidate is under the employment of Government with date, pay and name of appointment.

Testimonials forwarded by the candidate.

Registrar.

G.R.S. VI-71]

SUBJECT.....Passing orders on certain points connected with the holding of a competitive Examination for recruitment to the Grade of Munsiffs—

Diary No. of letter replied to.....J1056

Section Courts

File No. 36-17

Serial No. 4

General and Revenue Secretariat

(Courts)

Proceedings of the Government of His Highness the Maharaja of Mysore.

, *the* 191 .

Date of issue..... 27.11.17

Signed by..Mr. G. Srinivasa Iyer

Read.— G.O. no. J 2643 cts 199-147 dy 25-1-17 laying down rules in regard to recruitment to the grade of Munsiffs;

2. G.O. no. J 1466-7 cts 3617-2 dy 29.10.17 directing the holding of a competitive Examination for three appointments in April 1918; and

3. Letter no. R.O.S.C 420/1916-17 dy 8.11.17 from the Registrar, Chief Court, announcing the Examination forwarding copy of the draft Notification proposed to be published in the Gazette, and soliciting orders in regard to

~~Order Thereon:—No.~~

over.

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

certain points before the issue of the notification

—

Order. Utkal No. J 17.89–90

The G.O. of 25.1.17 does not provide for admission to the competitive examination of a candidate who after enrolment as an Advocate or Pleader enters Govt Service. The Chief Court recommend that if the total period of practice and service comes to five years, the candidate may be admitted. This recommendation is sanctioned.

2- The Local Service Examination Rules require a pass in the Registration Revenue Higher Standard to make one eligible for the Place of Munsiff. The Chief Court have raised the question as to whether such pass is a necessary qualification for the eligibility of candidates for the competitive Examⁿ and they are of opinion that these

List of enclosures.

Copied by

Examined by

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

A list of the names of persons thus exempted should be furnished to Govt for their approval & record.
24.11.17 RO

sion test may be allowed to be passed during the probationary period. This recommendation is also accepted.

3. In regard to the officers who are already acting as Munsiffs or in that cadre, Govt agree with the Chief Court that these officers need not be required to sit for the examination.

4. Separate orders will be issued regarding the Constitution of a Medical Board for the examination of the candidates.

5. Govt consider that the application fee ~~of Rs 50 mentioned in the draft notification is too heavy and direct that it be fixed at Rs 25~~ for the exam: may be fixed at 25 Rs/

6. Para 4 of the G.O of 25.1.17 lays down that the candidates for the competitive examination shall be appraised

GPB—20,000—7-7-14

by the Government before they
enlarge the medical examination.
Necessary alterations should therefore
be made in clauses 6 and 8 of the
notification, and a list of the candidates
along with their applications submitted
to Government for approval before 5th Feby 1918.

16/11/17

16/11/17

24.11.17.

Chief Secretary to Govt

To The Registrar, Chief Court
" Comptroller to Govt."

16/11

R.O.C. No 54 1917-18

13 DEC 1917

CHIEF COURT OF MYSORE,
BANGALORE, 4th DECEMBER 1917.

DIARY No. J 1283

4-30 P.M. SECRETARIAT III JUDICIAL 6 DEC 1917

1917-1918 Courts No. 36-17 5

From

The Registrar of the
Chief Court of Mysore,
Bangalore.

To

C. S. Balasundaram Iyer Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

S i r,

Adverting to correspondence ending with the Proceedings of the Government No: J. 1789-90/Cts.36-17-4 dated the 27th November 1917, I am directed to append in the margin a list of the names of officers who are already acting as Munsiffs or in that cadre and who may be exempted from sitting for the examination.

1. Mr. S.R. Ramaswami Iyer, (since recommended to be confirmed).
2. " T. Singaravelu Mudaliar.
3. " C.B. Naghabhushana Rao.
4. " S.Venkataranga Iyengar, (Ag. Deputy Registrar).
5. " S. Ramachandra Sastry.

2. Mr. S. Ramachandra Sastry's name is included as he is now acting as a Munsiff and as he has before acted in that capacity on several occasions.

3. I am to request the favour of the approval of the Government to the list.

I have the honor to be,
S i r,
Your most obedient servant,

S. Venkataranga Iyengar

REGISTRAR IN CHARGE.

TSK

G.R.S. VI-71]

SUBJECT. Exemption of certain Officers of the Judicial Dept. from the operation of the rules recently issued in regard to the recruitment to the grade of Munsiffs.

Diary No. of letter replied to.....

Section Courts
File No. 36-17
Serial No. 6

General and Revenue Secretariat
( )
, the 191 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 21/12/17

Signed by Mr. G. Srinivasaiyar

Read.— Paragraph 3 of Govt. Order no. J. 1789-90/Cts 361-4 dated 27th Novr. 17 calling for a list of the names of persons to be exempted from the operation of the rules recently issued in regard to the recruitment to the Grade of Munsiffs.

Order Thereon:— No.

2. Letter R. O. C. No. 548/1917-18 dated 4th/5th Decr. 1917 from the Registrar

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

PWD

over

(X)

Chief Court, appending a list of the names of ~~Officers~~ the Marginally noted Officers who are already acting as Munsiffs or in that cadre & who may be exempted from sitting for the competitive examination & requesting approval of Govt thereto.

1. Mr. S. R. Ramaswami Ayyar
2. " J. Singaravelu Mudaliar
3. " C. B. Nagabhushana Rao.
4. " S. Venkataranga Rao
5. " S. Ramachandra Pantulu

Order No. J 2209

Approved.

18/12/17

17/12/17

for Chief Secretary.

The Registrar, Chief Court. J 2210

List of enclosures.

15.12.17

Copied by

Examined by